



California Regional Water Quality Control Board Lahontan Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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MINUTES February 8-9, 2006

Regular Meeting

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, CA 96143

Chair Jack Clarke called the meeting to order at 4:00 p.m.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley
Jim Chapman, Susanville
Jack Clarke, Apple Valley
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Eric Sandel, Truckee
Susan J. Van Dam, Barstow

BOARD MEMBERS ABSENT

None

LEGAL COUNSEL

David Coupe, State Water Resources Control Board

STAFF PRESENT

Harold Singer, Executive Officer	James Brathovde, Engineering Geologist
Robert S. Dodds, Assistant Executive Officer	George Cella, Engineering Geologist
Chuck Curtis, Supervising WRCE	Robert Erlich, Environmental Scientist
Lauri Kemper, Supervising WRCE	Eric Shay, Office Technician
Cindi Mitton, Senior WRCE	Laurie Applegate, Executive Assistant
Richard Booth, Senior Engineering Geologist	
Alan Miller, Senior WRCE	

ADDRESSING THE BOARD

Randall Abbott, Homewood Mountain Resort
Tim Alpers, Alpers Ranch
Jan Brisco
Beth Christman, Truckee River Watershed Council
John Eaton, Mountain Area Preservation Foundation
Brendan Ferry, Tahoe Regional Planning Agency
Carl Gustafson, Squaw Valley resident
Richard Harris, Ph.D., University of California, Berkeley

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Tracy Johnston, McGinley and Associates
Joseph M. McGinley, McGinley and Associates
Michael McLaughlin, JAY, LLC
Karl Morthole, Allied Washoe
Lisa Wallace, Truckee River Watershed Council
Randy Westmoreland, United States Forest Service Tahoe National Forest

OTHER BUSINESS

1. Executive Officer's Report

Mr. Singer discussed items from the December 2005 – January 2006 written report and the February 2006 written report and handed out copies of the following:

- Schedule of Tasks for Los Angeles County Sanitation District 14, Lancaster Water Reclamation Plant.
- Agenda for the February 9, 2006 State Water Resources Control Board and Air Resources Board Joint Workshop on Atmospheric Deposition and Water Quality and copies of the Power Point presentation to be given by Douglas Smith, Chief of the Lake Tahoe TMDL Unit, Lahontan Regional Board.
- Pacific Gas and Electric Company press release dated February 3, 2006 entitled Pacific Gas and Electric Company Settles Chromium Claims.
- California Environmental Protection Agency Fiscal Year 2006-07 Budget Briefing.
- Memo from the Truckee River Watershed Council dated January 20, 2006 to Selica Potter, Acting Clerk to the State Water Resources Control Board regarding 303(d) List updates – De-listing of Bear Creek, Truckee River Watershed, Lahontan Region.
- California Water Plan Update 2005 – Strategic Plan, Volume 1, California Department of Water Resources.
- A Clean Water Future for California – How California's Water Boards Can Clean Up Nine of the State's Biggest Polluted Rivers, Lakes and Bays, by Sujatha Jahagirdar, Environment California Research & Policy Center, dated February 2006.
- Memo from Tam M. Doduc, Chair, State Water Resources Control Board dated December 20, 2005 regarding State Water Resources Control Board Member Liaisons to the Regional Water Quality Control Boards.



Mr. Chapman asked staff to indicate “except Mr. Chapman” when Board members are copied on correspondence dealing with issues related to Mr. Everd McCain’s dam building near Susanville.

Mr. Brissenden asked that a budget workshop be scheduled for a future meeting.

Dr. Horne noted that Dr. David Herbst recently completed monitoring of the Truckee River watershed and asked staff to provide a copy of the report. Mr. Singer noted that Dr. Herbst would present information to the Board at the June 2006 Regional Board meeting in Bishop.

The afternoon session adjourned at 5:10 p.m.

Regular Meeting, Continued
7:00 p.m., February 8, 2006

Chair Jack Clarke called the meeting to order at 7:00 p.m. Board members present: John Brissenden, Jim Chapman, Keith Dyas, Amy Horne, Ph.D., Eric Sandel and Susan Van Dam. Board members absent: None.

2. PUBLIC FORUM

Carl Gustafson, Squaw Valley resident, expressed concern regarding the diversion of water from Squaw Creek and asked the Regional Board to consider filing a complaint with the State Water Resources Control Board. He handed out and read into the record a petition prepared by Lizabeth Day and Les Wilson, Squaw Valley Mutual Water Company.

David Coupe noted that Mr. Gustafson’s request and the petition pertained predominantly to a water rights issue and explained that the jurisdiction of the Regional Board is water quality. He suggested that the parties contact the State Water Resources Control Board’s Division of Water Rights for further investigation of the matter.

OTHER BUSINESS

3. Minutes of the Regular Meeting of November 9, 2005 in Victorville and Truckee, California

- **Motion:** Moved by Mr. Brissenden, seconded by Mr. Sandel and **unanimously carried** to adopt the November 9, 2005 minutes as proposed. Note: Dr. Horne abstained.

ENFORCEMENT ACTIONS

5. *Public Hearing* – Consideration of an Administrative Civil Liability Order for California Department of Fish and Game, Hot Creek Hatchery, for Violation of National Pollutant Discharge Elimination System Permit (NPDES Permit), Waste Discharge Requirements (6-99-55), Mono County

Mr. Clarke opened the public hearing and administered the oath.

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Cindi Mitton gave the staff presentation and recommended the Board adopt the Administrative Civil Liability Order as proposed.

Mr. Singer noted staff is reviewing permit conditions for all of the hatcheries and the Board will be considering adoption of the revised permits before the end of the fiscal year. Mr. Sandel commented that the effluent limits need to be revisited.

With no further testimony, Mr. Clarke closed the public hearing.

- **Motion:** Moved by Mr. Brissenden, seconded by Mr. Sandel **and unanimously carried** to adopt the Administrative Civil Liability Order as proposed.

6. ***Public Hearing – Consideration of an Administrative Civil Liability Order for Alpers Trout Hatchery for Violation of National Pollutant Discharge Elimination System Permit (NPDES Permit), Waste Discharge Requirements (6-00-59), Mono County***

Mr. Clarke opened the public hearing and administered the oath.

Cindi Mitton gave the staff presentation, and suggested the Board adopt the Administrative Civil Liability Order with the following changes: page 2, order 3 – change \$12,000 to \$15,000; page 3, order 5 – change 40 CFR Section 123.27(a) to 40 CFR Section 123.27(d)(2)(iii).

Presenting testimony to the Board: Tim Alpers, owner and operator of Alpers Ranch.

With no further testimony, Mr. Clarke closed the public hearing.

- **Motion:** Moved by Mr. Sandel, seconded by Dr. Horne **and unanimously carried** to adopt the Administrative Civil Liability Order with the two changes recommended by Cindi Mitton.

STATUS REPORT

7. ***Truckee River Watershed Council (TRWC) and Tahoe National Forest: Restoration in the Davies and Merrill Watersheds, Sierra County***

George Cella gave the staff presentation.

Addressing the Board: Beth Christman, Truckee River Watershed Council; and Randy Westmoreland, United States Forest Service Tahoe National Forest.

ENFORCEMENT ACTION

4. ***Public Hearing – Consideration of a Proposed Amended Cleanup and Abatement Order (CAO) for Washoe Fuel, Inc., dba Allied Washoe (formerly Allied Petroleum Company, Inc.), Atlas Bulk Carriers, and Northland Transportation, Inc.***

Mr. Clarke opened the public hearing and administered the oath.



Richard Booth gave the staff presentation. Mr. Booth recommended the Board adopt the amended Cleanup and Abatement Order as proposed. Mr. Booth, Mr. Singer and Mr. Coupe answered questions from the Board. Mr. Booth and Mr. Curtis responded to questions from Mr. Karl Morthole, attorney representing Allied Washoe.

Presenting testimony to the Board: Karl Morthole, attorney for Allied Washoe; Joseph M. McGinley, McGinley and Associates; and Tracy Johnston, project manager, McGinley and Associates.

With no further testimony, Mr. Clarke closed the public hearing.

Dr. Horne suggested a change to page 9, 3.(a) of the order, striking the words petroleum hydrocarbons, including (underlining added for clarity).

Mr. Clarke reopened the public hearing. Mr. Singer and Mr. Booth responded to questions from the Board.

Presenting further testimony to the Board: Karl Morthole, attorney for Allied Washoe.

With no further testimony, Mr. Clarke closed the public hearing.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Brissenden **and unanimously carried** to adopt the amended Cleanup and Abatement Order with the following two changes: page 2 4. – insert a period after the word occurred and strike the remainder of the sentence; and page 9 3.a) – strike the words petroleum hydrocarbons, including.

The evening session adjourned at 10:10 p.m.

Regular Meeting, Continued
8:30 a.m., February 9, 2006

Chair Jack Clarke called the meeting to order at 8:30 a.m. Board members present: John Brissenden, Jim Chapman, Keith Dyas, Amy Horne, Ph.D., Eric Sandel and Susan Van Dam. Board members absent: None.

2. PUBLIC FORUM

John Eaton, Mountain Area Preservation Foundation, discussed water quality concerns related to a sand and salt barn proposed by Caltrans at the Donner Lake interchange of Interstate 80. He asked the Board to look into the matter. Mr. Singer noted Regional Board staff would review the project.



STATUS REPORT

8. “Effects of Forest Fragmentation on Water Quantity and Quality” and “Turbidity Monitoring in Forest Management”

Richard Harris, Ph.D., Extension Specialist with the University of California, Berkeley, presented information to the Board.

ENFORCEMENT ACTION

12. *Public Hearing* – Consideration of a Cease and Desist Order for JAY, LLC for Discharge and Threatened Discharge of Waste from Homewood Mountain Resort in Violation of Waste Discharge Requirements Contained in Board Order No. 6-95-86A2

Mr. Sandel recused himself from consideration of this item.

Chair Clarke opened the public hearing and administered the oath.

Robert Erlich gave the staff presentation and recommended the Board adopt the Cease and Desist Order as proposed.

The Board accepted a letter into the record dated February 6, 2006 from Dave Achley, General Manager, Homewood Mountain Resort.

Presenting testimony to the Board: Michael McLaughlin, representing JAY, LLC; Randall Abbott, Homewood Mountain Resort, Brendan Ferry, Tahoe Regional Planning Agency; Jan Brisco; Alan Miller and Harold Singer, Lahontan Regional Board.

With no further testimony, Mr. Clarke closed the public hearing.

- **Motion:** Moved by Mr. Dyas and seconded by Dr. Horne to adopt the Cease and Desist Order as proposed. Voting yes: Mr. Brissenden, Mr. Chapman, Mr. Clarke, Mr. Dyas, Dr. Horne and Ms. Van Dam. Voting no: None. Recused: Eric Sandel. **Motion carried 6-0.**

Mr. Sandel joined the Board.

OTHER BUSINESS

9. Reports by Chair and Board Members

Mr. Brissenden noted he has been appointed to the Sierra Nevada Conservancy Board. He handed out the following publications produced by the Sierra Nevada Alliance: The Sierra Climate Tool Kit and Planning for the Future.

Mr. Clarke discussed a Chair conference call that occurred on February 6, 2006.



10. Election of Chair and Vice-Chair for 2006

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Sandel, **and unanimously carried** to elect Dr. Horne as Chair for 2006.
- **Motion:** Moved by Mr. Sandel, seconded by Dr. Horne, **and unanimously carried** to elect Mr. Dyas as Vice-Chair for 2006.

11. CLOSED SESSION

The Board did not meet in closed session.

13. ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 10:45 a.m.

Original signed by:

Prepared by: _____ Adopted: March 8, 2006
Laurie Applegate, Executive Assistant

